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OFFICE OF PETITIONS

In re Application of	:	
Lee	:	
Application No. 10/500,166	:	ON PETITION
Filed: June 23, 2004	:	
Attorney Docket No. OS 040517/USA	:	

This is a decision on the petition under 37 CFR 1.137(b), filed February 16, 2007 certificate of mailing date February 13, 2007), to revive the above-identified application.

The petition under 37 CFR 1.137(b) is **granted**.

This application became abandoned for failure to timely pay the issue fee and publication fee within three (3) months of the mailing of the Notice of Allowance and Fee(s) Due, mailed April 19, 2006. Accordingly, this application became abandoned on July 20, 2006. A Notice of Abandonment was mailed on August 22, 2006.

Applicant has submitted a proper reply in the form of the \$700.00 issue fee, the \$300.00 publication fee and a completed PTOL-85b, an acceptable statement of the unintentional nature of the delay in responding to the April 19, 2006 Notice of Allowance and Fee(s) Due, and the \$750.00 petition fee.

Regarding the statement of unintentional delay: The statement of unintentional delay presented in the petition does not comply with the current rule. 37 CFR 1.137(b)(3) requires a statement that "the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional" be submitted. However, the statement presented will be accepted and construed as meaning that "the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional." If this is an incorrect interpretation in view of the rules, petitioner is required to provide a statement to that effect.

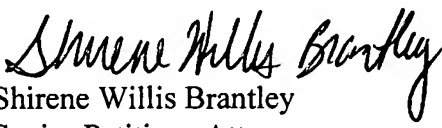
It is noted that a Notice Regarding Drawings was mailed on July 26, 2006 , which set a two month non-extendable period from the mail date of the Notice Regarding Drawings to reply. Petitioner failed to timely respond to this notice, as well. As mentioned above, the application became abandoned on July 20, 2006, so the Notice Regarding Drawings was mailed after abandonment of the application.

Petitioner filed corrected drawings on February 16, 2007.

All requirements under 37 CFR 1.137(b) being met, the petition is granted.

This application is being forwarded to Publishing Division for consideration of the corrected drawings filed February 16, 2007 and processing into a patent.

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3230.


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